

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Darrell L. Goss,

Plaintiffs,

v.

Bryan P. Stirling, Charles Williams,
Thomas Robertson, A. Gladwell,
Stephanie Marshall, Officer Stanley Terry,
C. Jones, Deborah Richter, NFN Franklin,
NFN Peek, NFN Hall, John Doe 1, Officer
John Doe 2, Juanita Moss, Willie Smith,
Chaplain Barber, and Canteen Manager
Yeldell,

Defendants.

) Civil Action No. 6:18-3245-BHH

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OPINION AND ORDER

This matter is before the Court on the Report and Recommendation (ECF No. 140) of United States Magistrate Judge Kevin F. McDonald recommending that Plaintiff's motion for default judgment (ECF No. 136) be denied. After carefully reviewing the Report and Recommendation, the Court adopts the Report and Recommendation in full.

Magistrate Judge McDonald issued a Report setting forth the filing history of this case, and concluded that Defendants timely filed their answer and properly served Plaintiff, so the motion for default judgment is meritless. (ECF No. 136 at 2.) Plaintiff filed no objections and the time for doing so expired on August 16, 2019.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report and

Recommendation of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court reviews the Report and Recommendation only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation”) (citation omitted).

After reviewing the motion and response, the record, and the Report and Recommendation of the Magistrate Judge, the Court finds no clear error. Accordingly, the Court adopts and incorporates the Report and Recommendation (ECF No. 140) by reference into this order. It is therefore ORDERED that Plaintiff’s motion for default judgment (ECF No. 136) is DENIED.

IT IS SO ORDERED.

/s/ Bruce Howe Hendricks
United States District Judge

Greenville, South Carolina
August 23, 2019

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.